RECEIVED FEDERAL ELECTION COMMISSION

## P.O. Box 83527 COUNSEL COUNSEL

November 2, 2010

Federal Election Commission General Counsel's Office 999 E.St., NW Washington, DC 20463

Re: MUR 6401

Dear General Counsel's Office.

Bruning for Attorney General ("the committee") is in receipt of a letter dated Oct. 27, 2010, from Jeff S. Jordan, Supervisory Attorney, Complaints Examination & Legal Administration, for the Federal Election Commission ("FEC"). Mr. Jordan's letter states the FEC received a complaint on Oct. 22, 2010, from the Nebraska Democratic Party alleging that the committee may have violated the Federal Election Campaign Act of 1971, as amended ("the Act").

The committee received a contribution from TransCanada Keystone Pipeline, LP on Jan. 22, 2010, in the amount of \$2,500. The check, number 0002889, dated Dec. 22, 2009, was delivered by TransCanada representatives to the committee on Jan. 22, 2010. A copy of the check is attached hereto as Exhibit 1. TransCanada reported the contribution to the Nebraska Accountability and Disclosure Commission ("NADC") as required by Nebraska law for corporate contributions, on Feb. 1, 2010. TransCanada's report, attached as Exhibit 2, described the check as having been contributed by TransCanada Corporation, 13710 FNB Pkwy., Omaha, NE 68154. More important, company representatives indicated at the time the contribution was made and continue to indicate that it was from a U.S. corporation.

The committee filed its first primary statement (Form B-1) on April 12, 2010, and listed the \$2,500 contribution from TransCanada Keystone Pipeline, LP on page 11 of Schedule A. The committee reported the contribution three more times to the NADC on its Form B-1, Schedule A; with its second primary statement on May 3, 2010, post-primary statement filed June 21, 2010, and first general statement filed Oct. 4, 2010.

On Sep. 30, 2010, Frank Daley, Executive Director of the NADC, called the committee to indicate the TransCanada chesk may not be from a U.S. Carporation. That same day, Sep. 30, 2010, but of an

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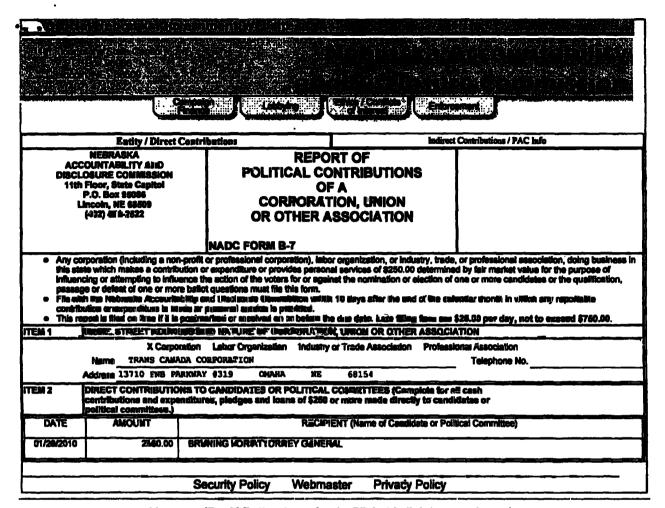
abundance of caution, the committee returned the money to TransCanada by writing check number 2392 for \$2,580 and delivering it to TransCanada representatives (return check attached as Exhibit 3).

In short, while TransCanada representatives said and continue to say the check was drawn on a domestic corparation, and in fact the records of the Mebraska Secretary of State show TransCanada Keystone Pipeline, LP is a limited portnership organized under the laws of the State of Delaware (Letter of Good Standing attached as Exhibit 4), the committee returned the contribution out of abundance of caution. If the Act was violated, it was inadvertently violated and the problem was remedied when the contribution was returned at the earliest hint of any potential issue, prior to the filing of the complaint.

Browing for Atturbey General respectfully asker the Commission to dismiss Matter MUR 6401 given the inadvertent nature of any violation, if indeed a violation has occurred.

Sincerely,

Bruning for Attorney General



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15:00:43

Tue Nov 2 0

## STATE OF NEBRASKA LETTER OF GOOD STANDING

JOHN A. GALE Secretary of State

Corporate Division Room 1301 State Capitol Linopln, NE 68509

November 02, 2010

Jon Bruning 2901 Bonacum Drive Lincoln, NE 68502

Dear Jon Bruning

Our records indicate that as of November 02, 2010 at 3:00 PM the limited partnership known as:

## TRANSCANADA KEYSTONE PIPELINE, LP

a DE limited partnership, has registered with the Nebraska Secretary of State's Office and is currently in existence and good standing to do business in the State of Nebraska as of the time and date noted above.

Sincerely,

John A. Gale Secretary of State

Information on this document provided from the records of the Nebraska Secretary of State Office through Nebraska.gov, an instrumentality of the State of Nebraska

11/2/2010 3:02